

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

SHANE WORTH,

Plaintiff,

v.

Case No.: 2:20-cv-530-FtM-38NPM

CARMINE MARCENO and SONIA  
COLON,

Defendants.

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**ORDER**<sup>1</sup>

Before the Court is Defendant Sonia Colon's Motion to Dismiss ([Doc. 15](#)), and Plaintiff Shane Worth's response ([Doc. 18](#)). Worth sues Colon in her individual capacity as her former supervisor for violations of Title I of the Americans With Disabilities Act. ([Doc. 1](#)). Colon moves to dismiss both claims against her because she cannot be held individually liable under the statute. ([Doc. 15](#)). Worth concedes Colon's argument. ([Doc. 18 at 1](#) (agreeing "with Defendant's position that Defendant Colon cannot be held individually liable under Title I of the ADA"). After reviewing the record and applicable law, the Court grants Colon's motion.

Accordingly, it is now

**ORDERED:**


(1) Defendant Sonia Colon's Motion to Dismiss ([Doc. 15](#)) is **GRANTED**.

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<sup>1</sup> Disclaimer: Documents hyperlinked to CM/ECF are subject to PACER fees. By using hyperlinks, the Court does not endorse, recommend, approve, or guarantee any third parties or the services or products they provide, nor does it have any agreements with them. The Court is also not responsible for a hyperlink's availability and functionality, and a failed hyperlink does not affect this Order.

(2) Plaintiff Shane Worth is **DIRECTED** to file an amended complaint removing the claims and allegations against Colon from both counts on or before **September 24, 2020**.<sup>2</sup> **Failure to do so may result in the Court dismissing this case and closing this file.**

**DONE** and **ORDERED** in Fort Myers, Florida this 10th day of September 2020.

  
SHERI POLSTER CHAPPELL  
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record

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<sup>2</sup> Worth requests that the Court permit him to file a stipulation of dismissal only as to Defendant Colon. ([Doc. 18 at 2](#)). Worth may do so, but he still needs to file an amended complaint that no longer names Colon.